

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GREGORY COLBURN et al.,

Defendants

Case No. 1:19-cr-10080-NMG

**DEFENDANTS' ASSENTED-TO MOTION FOR LEAVE TO FILE BRIEFS OPPOSING
GOVERNMENT MOTIONS *IN LIMINE* PARTIALLY UNDER SEAL, AND TO FILE
EXHIBITS UNDER SEAL, AND TO EXCEED PAGE LIMIT**

Defendants Gamal Abdelaziz, Elisabeth Kimmel, Marci Palatella and John Wilson respectfully move this Court for leave to file under seal their oppositions to two of the government's motions *in limine*. On July 30, 2021, the government filed, under seal, exhibits to a *motion in limine* to introduce confidential marital communications (ECF No. 2004) and separately filed a motion *in limine* to preclude evidence concerning uncharged third parties (ECF No. 2001). Defendants' oppositions include sensitive, confidential, and personally identifiable information. Accordingly, under Local Rule 7.2, Defendants ask that the Court grant leave to file under seal: (a) the opposition briefs to these two motions *in limine* and (b) the exhibits to Defendant's brief opposing the government's motion *in limine* to preclude evidence concerning uncharged third parties. Defendants will provide the government unredacted copies of their opposition briefing. The government has assented to this request.

Defendants also respectfully move this Court for leave to file a brief opposing the government's motion *in limine* to preclude evidence concerning uncharged third parties that exceeds the Court's page limits. Defendants ask for additional pages to provide the Court with the necessary legal and factual background and analysis. Accordingly, Defendants ask that the Court grant leave to file a motion not to exceed 15 pages. The government has assented to this request as well.

Respectfully submitted,

By their counsel

/s/ Michael Kendall

Michael Kendall (BBO #544866)
Lauren Papenhausen (BBO# 655527)
WHITE & CASE LLP
75 State Street
Boston, MA 02109-1814
Telephone: (617) 979-9310
michael.kendall@whitecase.com
lauren.papenhouse@whitecase.com
Andrew Tomback (pro hac vice)
McLaughlin & Stern, LLP
260 Madison Avenue
New York, NY 10016
Telephone: (212) 448-1100
ATomback@mclaughlinstern.com

Counsel for John Wilson

/s/ Brian T. Kelly

Brian T. Kelly (BBO # 549566)
Joshua C. Sharp (BBO # 681439)
Lauren M. Maynard (BBO # 698742)
NIXON PEABODY LLP
53 State Street
Boston, MA 02109
(617) 345-1000
bkelly@nixonpeabody.com
jsharp@nixonpeabody.com
lmaynard@nixonpeabody.com
Robert Sheketoff (BBO # 457340)
One McKinley Square
Boston, MA 02109
(617)-367-3449

Counsel for Gamal Abdelaziz

Date: August 5, 2021

/s/ Cory S. Flashner

R. Robert Popeo (BBO # 403360)
Mark E. Robinson (BBO # 423080)
Eóin P. Beirne (BBO # 660885)
Cory S. Flashner (BBO # 629205)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1605
rpopeo@mintz.com
mrobinson@mintz.com
ebeirne@mintz.com
csflashner@mintz.com

Counsel for Elisabeth Kimmel

/s/ Michael K. Loucks

Michael K. Loucks (BBO # 305520)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
500 Boylston Street
Boston, MA 02116
(617) 573-4800
michael.loucks@skadden.com
Jack P. DiCanio (pro hac vice)
Emily A. Reitmeier (pro hac vice)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
525 University Avenue
Palo Alto, CA 94301
(650) 470-4500
jack.dicanio@skadden.com

Counsel for Marci Palatella

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel hereby certifies that counsel for Defendants have conferred with counsel for the government and attempted in good faith to resolve or narrow the issues raised by this motion. The government assents to the relief requested.

/s/ Michael Kendall

Michael Kendall

CERTIFICATE OF SERVICE

I hereby certify that the above document is being filed on the date appearing in the header through the ECF system, which will send true copies to the attorneys of record.

/s/ Michael Kendall

Michael Kendall